

# The Odisha Gazette

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HOME DEPARTMENT

NOTIFICATION

The 27th February, 2024

No.7234—HOME-JAIL-CASE1-0035-2017/JAILS.— In pursuance of the Order of the Hon'ble Supreme Court of India dated 30th January, 2024 passed in W.P.(C) No.406 of 2013 (**RE- INHUMAN CONDITIONS IN 1382 PRISONS**)(copy enclosed), the State Government do hereby constitute District Level Committee in each District of the State comprising the following members as below:

1. District Judge (Chairperson of the District Legal Services : Chairperson  
Authority)
2. District Magistrate-*cum*-Collector : Member
3. Superintendent of Police : Member
4. Superintendent(s) of Jail : Member
5. Secretary of the District Legal Services Authority : Convenor

The first meeting of the Committee shall be convened within two weeks from the date of constitution of this Committee.

## **FUNCTIONS OF THE COMMITTEE:**

1. Assess the available infrastructure in Jails and take a decision on the number of additional jails to be constructed in the District concerned.

2. Asses the current capacity of the existing jails and requirement of constructing more jails or enhancing the capacity of existing jails to meet the standard laid down in the Odisha Prisons Rules, 2020.

3. Keep in mind the requirement of incorporating Artificial Intelligence and introducing video conferencing for conducting Mulakaats and tele-medicine facilities for the ease of the inmates.

4. Initiate steps to examine the requirement of expanding the existing jails and acquiring land to set up new jails within the District, depending on the current capacity, occupancy and future demands of the District and come up with firm proposals.

5. Take up an update on the status of all the ongoing projects/proposals that are pending in the Districts and ensure that milestones are set down for completing the ongoing projects. Wherever a project has yet to take off for want of land, steps be taken to identify the land for the purposes of acquisition and the report be tabled before the Chief Secretary for obtaining necessary approvals and fast tracking the process.

6. Examine the needs of the respective Districts and make proposals over and above of those that have been laid down in the Odisha Prisons Rules, 2020. However, the minimum requirements prescribed under the Odisha Prisons Rules, 2020 shall not be compromised. Future projections shall span over in a period of at least 50 years for implementation.

By Order of the Governor,  
SUCHARITA SARANGI  
Additional Secretary to Government

SPEED POST

D.NO. 18545/2013/SC/PIL(W)

All Communications should be  
addressed to the Registrar,  
Supreme Court by designation,  
NOT by name

SUPREME COURT  
INDIA  
NEW DELHI

Dated: 06th February, 2024

FROM : Assistant Registrar, PIL (WRIT)

TO,

1. State of Andhra Pradesh,  
Through the Chief Secretary,  
Secretariat, Velagapudi  
Andhra Pradesh
2. State of Arunachal Pradesh,  
Through the Chief Secretary,  
Secretariat, Itanagar  
Arunachal Pradesh
3. State of Assam,  
Through the Chief Secretary,  
Secretariat, Guwahati  
Assam
4. State of Bihar,  
Through the Chief Secretary,  
Secretariat, Patna  
Bihar
5. State of Chhattisgarh,  
Through the Chief Secretary,  
Secretariat Mahanadi Bhawan  
Naya Raipur,  
Chhattisgarh
6. State of Goa,  
Through the Chief Secretary,  
Secretariat, Porvorim  
Goa
7. State of Gujarat,  
Through the Chief Secretary,  
Secretariat, Gandhinagar  
Gujarat

8. State of Haryana,  
Through the Chief Secretary,  
Secretariat, Chandigarh,  
Haryana
9. State of Himachal Pradesh,  
Through the Chief Secretary,  
Secretariat, Shimla  
Himachal Pradesh
10. State of Jharkhand,  
Through the Chief Secretary,  
Secretariat, Ranchi  
Jharkhand
11. State of Karnataka,  
Through the Chief Secretary,  
Secretariat, Bangalore  
Karnataka
12. State of Kerala,  
Through the Chief Secretary,  
Secretariat, Thiruvananthapuram  
Kerala
13. State of Madhya Pradesh,  
Through the Chief Secretary,  
Secretariat, Bhopal,  
Madhya Pradesh
14. State of Maharashtra,  
Through the Chief Secretary,  
Secretariat, Mantralaya,  
Mumbai, Maharashtra
15. State of Manipur  
Through the Chief Secretary,  
Secretariat, Imphal  
Manipur
16. State of Meghalaya,  
Through the Chief Secretary,  
Secretariat, Shillong  
Meghalaya
17. State of Mizoram,  
Through the Chief Secretary,  
Secretariat, Aizawl, Mizoram

18. State of Nagaland,  
Through the Chief Secretary,  
Secretariat, Kohima  
Nagaland
19. State of Odisha,  
Through the Chief Secretary,  
Secretariat, Bhubaneswar  
Odisha
20. State of Punjab,  
Through the Chief Secretary,  
Secretariat,  
Chandigarh
21. State of Rajasthan,  
Through the Chief Secretary,  
Secretariat, Jaipur,  
Rajasthan
22. State of Sikkim,  
Through the Chief Secretary,  
Secretariat, Gangtok  
Sikkim
23. State of Tamil Nadu,  
Through the Chief Secretary,  
Secretariat, Chennai,  
Tamil Nadu
24. State of Telangana  
Through the Chief Secretary,  
Secretariat, Hyderabad  
Telangana
25. State of Tripura,  
Through the Chief Secretary,  
New Secretariat Complex, Agartala  
Tripura
26. State of Uttarakhand  
Through the Chief Secretary,  
Secretariat, Dehradun  
Uttarakhand.
27. State of Uttar Pradesh  
Through the Chief Secretary,  
Secretariat, Lucknow  
Uttar Pradesh

ITEM NO.5

COURT NO.11

SECTION PIL-W

S U P R E M E C O U R T O F I N D I A  
R E C O R D O F P R O C E E D I N G S

WRIT PETITION (CIVIL) NO. 406/2013

RE-INHUMAN CONDITIONS IN 1382 PRISONS

([TO BE TAKEN UP AT 2:00 P.M.]

(MR. GAURAV AGRAWAL, SENIOR ADVOCATE IS AMICUS CURIAE. )

Date : 30-01-2024 This petition was called on for hearing today.

CORAM :

HON'BLE MS. JUSTICE HIMA KOHLI  
HON'BLE MR. JUSTICE AHSANUDDIN AMANULLAH

For Petitioner(s)

Amicus Curiae

By Post, AOR  
Mr. Gaurav Agrawal, Sr. Adv.

For States and UTs

Andhra Pradesh - R1

Mr. Mahfooz Ahsan Nazki, AOR  
Mr. Polanki Gowtham, Adv.  
Mr. K V Girish Chowdary, Adv.  
Mr. T Vijaya Bhaskar Reddy, Adv.  
Ms. Rajeswari Mukherjee, Adv.  
Mr. Meeran Maqbool, Adv.  
Ms. Archita Nigam, Adv.

Assam - R2

Mr. Shuvodeep Roy, AOR  
Mr. Kabir Shankar Bose, Adv.  
Mr. Saurabh Tripathi, Adv.

Arunachal Pradesh - R3

Mr. Abhimanyu Tewari, AOR  
Ms. Eliza Bar, Adv.

Bihar - R4

Mr. Devashish Bharuka, AOR

## Chattisgarh - R5

Ms. Pragati Neekhara, AOR  
 Mr. Aditya Bhanu Neekhara, Adv.  
 Mr. Aniket Patel, Adv.

## Gujarat - R6

Ms. Swati Ghildiyal, AOR  
 Ms. Devyani Bhatt, Adv.  
 Ms. Neha Singh, Adv.

## Goa - R7

Mr. Surjendu Sankar Das, AOR  
 Mr. Anand Murthi Rao, Adv.

## Haryana - R8

Mr. B.K. Satija, A.A.G.  
 Mr. Samar Vijay Singh, AOR  
 Mr. Keshav Mittal, Adv.  
 Ms. Sabarni Som, Adv.

## Jammu and Kashmir - R9

Mr. Parth Awasthi, Adv.  
 Mr. Pashupathi Nath Razdan, AOR  
 Ms. Maitreyee Jagat Joshi, Adv.  
 Mr. Astik Gupta, Adv.  
 Ms. Akanksha Tomar, Adv.  
 Mr. Argha Roy, Adv.

## Himachal Pradesh - R10

Mr. Rishi Malhotra, AOR

## Jharkhand - R11

Mr. Tapesk Kumar Singh, AOR

## Karnataka - R12

Mr. V. N. Raghupathy, AOR  
 Mr. Manendra Pal Gupta, Adv.

## Kerala - R13

Mr. C. K. Sasi, AOR  
 Ms. Meena K Poullose, Adv.

## Madhya Pradesh - R14

Mr. Harmeet Singh Ruprah, D.A.G.  
 Ms. Mrinal Gopal Elker, AOR  
 Mr. Saurabh Singh, Adv.  
 Mr. Ashish Rawat, Adv.

## Maharashtra - R15

Mr. Bharat Bagla, Adv.  
 Mr. Siddharth Dharmadhikari, Adv.  
 Mr. Aaditya Aniruddha Pande, AOR  
 Mr. Sourav Singh, Adv.  
 Mr. Aditya Krishna, Adv.  
 Ms. Raavi Sharma, Adv.  
 Mr. Adarsh Dubey, Adv.

## Manipur - R16

Mr. Pukhrambam Ramesh Kumar, AOR  
 Mr. Karun Sharma, Adv.  
 Ms. Rajkumaridivyasana, Adv.  
 Mr. R.rajaselvan, Adv.

## Meghalaya - R17

Mr. Avijit Mani Tripathi, AOR  
 Mr. Upendra Mishra, Adv.  
 Mr. P.S. Negi, Adv.  
 Mr. Ashish Ranjan, Adv.  
 Mr. Vijay Pratap Singh, Adv.

## Mizoram - R18

Mr. Siddhesh Shirish Kotwal, AOR

## Nagaland - R19

Ms. K. Enatoli Sema, AOR  
 Ms. Limayinla Jamir, Adv.  
 Mr. Amit Kumar Singh, Adv.  
 Ms. Chubalemla Chang, Adv.  
 Mr. Prang Newmai, Adv.

## Odisha - R20

Ms. Anindita Pujari, AOR  
 Ms. Radhika Mohapatra, Adv.  
 Mr. Shaileshwar Yadav, Adv.  
 Ms. Bhoomika Chouksey, Adv.

## Punjab - R21

Mr. Karan Sharma, AOR  
 Mr. Mohit Siwach, Adv.  
 Mr. Rishabh Sharma, Adv.  
 Ms. Princy Sharma, Adv.

## Rajasthan - R22

Dr. Manish Singhvi, Sr. Adv.  
 Mr. Sandeep Kumar Jha, AOR

## Sikkim - R23

Mr. Raghvendra Kumar, AOR

## Tamil Nadu - R24

Mr. Amit Anand Tiwari, Sr. A.A.G.  
 Mr. Sabarish Subramanian, AOR  
 Ms. Devyani Gupta, Adv.  
 Mr. Vishnu Unnikrishnan, Adv.  
 Mr. Naman Dwivedi, Adv.  
 Mr. C Kranthi Kumar, Adv.  
 Ms. Tanvi Anand, Adv.  
 Mr. Danish Saifi, Adv.  
 Ms. V Keerthana, Adv.

## Tripura - R25

Mr. Shuvodeep Roy, AOR

## Uttarakhand - R26

Mr. Siddharth Sangal, AOR  
 Ms. Richa Mishra, Adv.  
 Mr. Chirag Sharma, Adv.  
 Ms. Harshita Agrawal, Adv.

## Uttar Pradesh - R27

Ms. Garima Prasad, Sr. A.A.G.  
 Mr. Pradeep Misra, AOR  
 Mr. Daleep Dhyani, Adv.  
 Mr. Manoj Kumar Sharma, Adv.  
 Mr. Suraj Singh, Adv.

## West Bengal - R28

Ms. Astha Sharma, AOR  
 Ms. Muskan Surana, Adv.

Andaman and Nicobar  
Islands and NCT of Delhi - Rs.29 & 33

Mrs. Aishwariya Bhati, A.S.G.  
Col. R. Balasubramaniam, Sr. Adv.  
Mr. Mukesh Kumar Maroria, AOR  
Mrs. Suhasini Sen, Adv.  
Mr. Kamlesh Mishra, Adv.  
Mr. Ishaan Sharma, Adv.  
Mrs. Indira Bhakar, Adv.  
Mrs. Mrinal Elkar Mazumdar, Adv.  
Mr. Harish Pandey, Adv.  
Mr. Krishna Kant Dubey, Adv.  
Mr. Yogya Rajpurohit, Adv.  
Mr. Vineet Singh, Adv.

Telangana - R36

Mr. Rajiv Kumar Choudhry, AOR

For Intervener(s)  
Ministry of Women  
and Child Development  
in (IA 7/2017)

Ms. Aishwarya Bhati, A.S.G.  
Mr. Gurmeet Singh Makker, AOR  
Ms. Suhashini Sen, Adv.  
Mr. Kamendra Mishra, Adv.  
Mr. Ishaan Sharma, Adv.  
Mr. Sarthak Karol, Adv.  
Ms. Ameyvikrama Thanvi, Adv.

Mr. Gaurav Agrawal, Sr. Adv. (A.C)

Impleader

Ms. Aishwarya Bhati, A.S.G.  
Dr. Reeta Vasishta, Adv.  
Mrs. Suhashini Sen, Adv.  
Mr. Ashok Panigrahi, Adv.  
Mr. B K Satija, Adv.  
Mr. Ishaan Sharma, Adv.  
Mr. Kartikay Agrawal, Adv.

Mr. Abhishek Kumar Pandey, Adv.  
 Mr. Chitvan Singhal, Adv.  
 Mr. Raman Yadav, Adv.  
 Ms. Sonali Jain, Adv.  
 Mr. Arvind Kumar Sharma, AOR

for Intervener(s)  
 Common Wealth Human  
 Rights Initiative (IA 2/2016)

Mr. Chandra Prakash, AOR

For applicant in  
 IA No. 105821/2018 and IA No. 6485/2019

Mr. Salvador Santosh Rebello, AOR  
 Mr. Raghav Sharma, Adv.  
 Mr. Deepanshu Raj, Adv.  
 Mr. Mr. Rajat Sharma, Adv.  
 Ms. Ms. Kritika Grover, Adv.  
 Mr. Jaskirat Singh, Adv.

Mrs. Aishwarya Bhati, A.S.G.  
 Mr. Mukesh Kumar Maroria, AOR  
 Mrs. Suhasini Sen, Adv.  
 Mr. Kamlesh Mishra, Adv.  
 Mr. Ishaan Sharma, Adv.  
 Mrs. Indira Bhakar, Adv.  
 Mrs. Mrinal Elkar Mazumdar, Adv.  
 Mr. Harish Pandey, Adv.  
 Mr. Krishna Kant Dubey, Adv.  
 Mr. Yogya Rajpurohit, Adv.  
 Mr. Vineet Singh, Adv.

For National Forum  
 for Prison Reform  
 (Intervenor in IA 6/2016)

Mr. Durgesh Ramchandra Gupta, AOR  
 Mr. Ajay Verma, Adv.  
 Mr. Vaishnav Kirti Singh, Adv.

UPON hearing the counsel, the Court made the following  
 O R D E R

1. At the very outset, Registry is directed to correct the cause title of the

case in hand as "IN RE – INHUMAN CONDITIONS IN 1382 PRISONS".

2. On the last date of hearing, all the State Governments/Union Territories were called upon to furnish details as mentioned in paragraph 3 of the said order. Barring for the States of Maharashtra and Jharkhand, all the remaining States Governments/Union Territories have furnished the requisite information. Based on the said information, Mr. Gaurav Agrawal, learned Senior counsel (Amicus Curiae) has prepared two compilations summarizing the responses received from the State Governments/Union Territories.
3. A detailed compilation has been prepared collating the input received on the number of Central Jails/District Jails/Sub-Jails in each State/Union Territory and the response of the State Governments/Union Territories regarding the steps taken to set up more jails. A perusal of the statements prepared shows that there is hardly any proposal worth the while that has come from the States of Bihar, Rajasthan, Karnataka and Madhya Pradesh. In some cases, the State Governments have furnished collective information instead of giving a District-wise breakdown of the capacity/occupancy of each jail, which makes it difficult for this Court to assess the extent of occupancy *vis-à-vis* the permissible capacity on a jail-wise basis. Further, in some cases it has simply been stated by the concerned State Governments that "work is under progress" for constructing more jails without furnishing the stage of the said progress.
4. In the first instance, it is deemed appropriate to impose costs of

₹10,000/- (Rupees Ten Thousand) each on the States of Maharashtra and Jharkhand for non-compliance of the order passed on 14<sup>th</sup> December, 2023.

The costs shall be deposited with the Supreme Court Group 'C' (Non-Clerical) Employees Welfare Association within four weeks.

5. On going through the compilation of responses received from the State Governments/Union Territories and it appears that in most cases, the extent of overcrowding in the Central Jails/District Jails/Sub-Jails is over 10% of the permitted capacity. In some cases, the occupancy *vis-à-vis* the actual capacity of jails exceeds 40% to 50%. These figures are stark and worrying. They need to be addressed on priority.

6. On carefully examining the information furnished in the compilations and recommendations made by the learned Amicus Curiae, we are of the opinion that it would be appropriate to issue directions to constitute a Committee in each District of the States/Union Territories to do the following:

- (i) Assess the available infrastructure in jails and take a decision on the number of additional jails to be constructed in the Districts;
- (ii) to assess the current capacity of the existing jails and requirement of constructing more jails or enhancing the capacity of existing jails to meet the standard laid down in the Model Prison Manual, 2016.
- (iii) Besides the above, the Committees shall also keep in mind the requirement of incorporating Artificial Intelligence and introducing video conferencing for conducting Mulakaats and tele-medicine facilities for the

ease of the inmates.

7. Each State Government/Union Territory is directed to set up a Committee comprising of (i) Principal/District Judge (Chairperson of the District Legal Services Authority), (ii) District Magistrate (Incharge Administrative Head of the District on Executive Side), (iii) Senior Superintendent/Superintendent of Police, (iv) Secretary of the District Legal Services Authority and (v) Superintendent(s) of Jail. The said Committee shall be notified by the State Governments/Union Territories within one week from the date of receipt of this order. The Secretary of the DLSA shall be the convenor of the Committee. The Committees shall convene the first meeting within two weeks from the date of their constitution.
8. The Committees shall initiate steps to examine the requirement of expanding the existing jails and acquiring land to set up new jails within the District, depending on the current capacity, occupancy and future demands of the District and come up with firm proposals. The Committees will also take an update on the status of all the ongoing projects/proposals that are pending in the Districts and ensure that milestones are set down for completing the ongoing projects. Wherever a project has yet to take off for want of land, steps be taken identify the land for the purposes of acquisition and the report be tabled before the Chief Secretary, of the State Government/Union Territory for obtaining necessary approvals and fast tracking the process. The Committees are permitted to examine the needs of the respective Districts

and make proposals over and above of those that have been laid down the Model Prison Manual. However, the minimum requirements prescribed under the said Manual shall not be compromised. Future projections shall span over in a period of at least 50 years for implementation.

9. A Fresh Status Reports shall be filed by all the State Governments/Union Territories on or before 05<sup>th</sup> April, 2024. An affidavit shall be filed by Chief Secretary of each State /Union Territory with all the requisite information as directed ordered above, within the same time line.

10. List on 09<sup>th</sup> April, 2024, at 2.30 p.m.

*Pooja Sharma*  
03/2/24  
(POOJA SHARMA)  
COURT MASTER (SH)

*Nand Kishor*  
3/2/24  
(NAND KISHOR)  
COURT MASTER (NSH)